(3)

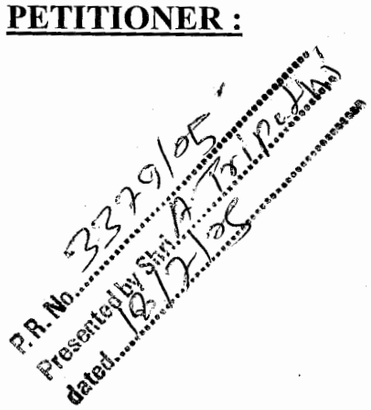
SINGLE BENCH

IN THE HIGH COURT OF JUDICATURE AT BILASPUR

CHHATTISGARH

WRIT PETITION NO.321 OF 2005

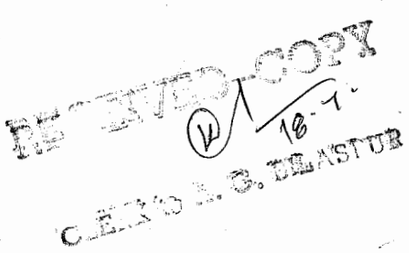
PETITIONER :



Harnath Prasad Pahare, S/o Ramavatar Pahare, Aged about 51 years, Presently posted and working as Sub Divisional Officer (Forest), Forest Division, Lailunga, Dharamjaigarh, District Raigarh (Chhattisgarh).

Versus

RESPONDENTS :



1. State of Chhattisgarh
Through the Secretary, Department of Forest, D.K.S. Building, Mantralaya, Raipur, Chhattisgarh.

2. Chief Conservator of Forest, Raipur (C.G.).

3. Conservator of Forest, Bilaspur (C.G.).

4. Divisional Forest Officer, Dharamjaigarh, District Raigarh (C.G.).

5. K.R. Kurrey,
Through : The Divisional Forest Officer, Dharamjaigarh, District Raigarh (C.G.).
(As presently Shri Kurrey has not joined in the Kondagaon Forest Division).

WRIT PETITION UNDER ARTICLE 226/227 OF THE CONSTITUTION OF INDIA

HIGH COURT OF CHHATTISGARH AT BILASPUR
W.P. No. 3210 of 2005

Petitioner — Harnath Prasad Pahare
Versus
Respondents — State of Chhattisgarh & others

SB: Hon'ble Mr. Justice **Satish K. Agnihotri, J**

Mr. Sameer Behar, counsel for the petitioner.
Mr. Satish Gupta, Dy. Govt. Advocate for the respondents No. 1 to 4 /State.
Mr. A.N. Bhakta, counsel for the respondent No. 5.

ORDER

(Passed on this 1st day of March, 2007)

1. The petitioner, while working as Sub Divisional Officer in Lailunga Forest Division, Dharamjaigarh, was transferred to Kondagaon Forest Division, Dantewada vide impugned transfer order dated 12.7.2005 (Annexure P/1).
2. This Court, vide interim order dated 25.7.2005, has stayed the impugned order dated 12.7.2005, till the next date of hearing. By virtue of the interim order, the petitioner has been continued on the same place of posting.
3. Be that as it may, with the passage of time this petition has become infructuous, as period of transfer is not applicable forever. At this point of time there is no question to examine the validity of the transfer order. However, the respondents are at liberty to pass appropriate orders keeping in view the public interest and administrative exigency, without insisting on compliance of the impugned transfer order.
4. It is well settled principle of law that transfer is an incidence of service and it is for the employer to decide as to where a particular officer/employee be posted keeping in view public interest as well as administrative exigency. This Court has limited jurisdiction to interfere with the transfer matter and this Court can interfere only in the case of proved malafide, non-competence of authority passing the transfer order and transfer order not being in conformity with the rules and regulations.
5. In view of the above, this petition stands disposed of. No order as to costs.

Sd/-
Satish K. Agnihotri
Judge

Bablu